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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 DENNIS BABINEAU,
13 Plaintiff,
14 v.
15 JO ANNE B. BARNHART,
Commissioner of
16 Social Security,
17 Defendant.

CASE NO. **2:05-CV-00552-GGH**

STIPULATION AND ORDER
REMANDING THE CASE TO THE
COMMISSIONER OF SOCIAL
SECURITY AND DIRECTING THE
CLERK TO ENTER JUDGMENT

18 IT IS HEREBY STIPULATED by the parties, through their
19 undersigned attorneys, and with the approval of the Court as
20 provided below, that the Commissioner has agreed to a voluntary
21 remand of this case pursuant to sentence four of 42 U.S.C. §
22 405(g) for further proceedings. The purpose of the remand is to
23 offer Plaintiff a new decision.

24 On remand, the ALJ will be directed to reconsider
25 Plaintiff's residual functional capacity in light of the medical
26 record, including his lack of a left hand. The ALJ shall assess

1 Plaintiff's functional limitations and the findings of
2 Plaintiff's treating physicians as required by pertinent agency
3 regulations and rulings, together with Ninth Circuit precedent.
4 If necessary, the ALJ shall obtain further vocational evidence
5 regarding the impact of Plaintiff's condition upon his ability to
6 work.

7 It is further stipulated that the decision below is
8 hereby vacated and that the Clerk of this Court shall be directed
9 to enter a separate judgment herein, as provided for under Rules
10 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to
11 Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

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DATE: November 22, 2006

/s/ Bess M. Brewer (as
authorized on November 22, 2006)
BESS M. BREWER
Attorney at Law

Attorney for Plaintiff

DATE: November 22, 2006

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BOBBIE J. MONTOYA
Assistant U.S. Attorney

By: /s/ Bobbie J. Montoya for
PETER K. THOMPSON
Special Assistant U.S. Attorney

Attorneys for Defendant

OF COUNSEL:

LUCILLE GONZALES MEIS
CHIEF COUNSEL, REGION IX
UNITED STATES SOCIAL SECURITY ADMINISTRATION

ORDER

This matter is remanded pursuant to the stipulation of the parties. The case is dismissed and the Clerk is directed to enter Judgment.

SO ORDERED.

DATED: 12/1/06

/s/ Gregory G. Hollows
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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